CF100 ✓ Single Bench (1) (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, C.G.

WRIT PETITION NO. 4873 /2004

(Petition under article 226/227 of the Constitution of India)

4873/04 15.12.04 P.R. No. Presented by Shri M.L. Dubey Kochar dated 15.12.04

PETITIONER D.R. Naidu, aged about 57 years, S/o late V.G. Naidu, at present working as a Accountant in the office of Forest Department, Bastar Division at Jagadalpur, R/o Hikimi Para, Chitrakote Road, Jagadalpur, Distt. Bastar C.G.

VERSUS

RESPONDENTS :

1) State of Chhattisgarh, through the Secretary, Forest Department, DKS Bhawan, Raipur, C.G.

2) The Principal, Chief Conservator of Forest, Administration of (non-gazetted) State of Chhattisgarh, Raipur, M.P.

3) Conservator of Forest, Jagadalpur Circle, Jagadalpur, Distt. Bastar, C.G.

4) Divisional Forest Officer, Working plan Division, Jagadalpur, Distt. Bastar, C.G.

RECEIVED COPY 15.12.04 Clerk to A. G. Bilaspur

मण्डल आयुक्त बिलासपुर (छ.ग.) 13/12/04 बिलासपुर तहसील कोर्ट

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT OF MANDAMUS/ CERTIORARI, ORDER/ORDERS, DIRECTION/DIRECTIONS ETC.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 4873/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

17/01/2005

Shri Vishnu Koshta, counsel for the petitioner.

Shri Akhil Agrawal, Panel lawyer for the State.

Heard on I.A. No. 9696/2004 for urgent hearing. It is allowed.

The petitioner who is working as Accountant under the respondents, has challenged the order of Annexure P-8 by which his order of promotion of Annexure P-4 dated 03/05/2003 has been set aside and he has been demoted to the post of Accountant with immediate effect on the ground that he obtained the promotion order of Annexure P-4 without apprising the respondents that there was some criminal case pending against the petitioner. Learned counsel for the petitioner submits that the reduction in rank is a major penalty under the Chhattisgarh Civil Services, (Classification, Control and Appeal) Rules 1966 and before imposing this penalty, the respondents have not conducted enquiry as contemplated under the Chhattisgarh Civil Services, (Classification, Control and Appeal) Rules and only after issuance of Show Cause Notice vide Annexure P-7, the petitioner filed a reply dated 11/10/2004 and the competent authority without holding any enquiry passed the order dated 10/11/2004 of Annexure P-8.

Learned counsel for the petitioner further submits that he has already preferred an appeal against the order of punishment before the appellate authority under the C.G. Civil Services (Classification, Control and Appeal) Rules vide document Annexure P-9 which is pending and the ends of justice would be served if a direction is given to the concerning authorities to dispose of the appeal in accordance with law and the present petition may be ~~dismissed~~ disposed.

Under these circumstances, I am of the opinion that the present petition should be disposed of with a direction to the appellate authority to dispose of the appeal preferred by the petitioner against the award of punishment within a period of two months from the receipt of this order.

With the aforesaid direction the petition stands disposed of.

Sd/-
DHIRENDRA MISHRA
Judge

Gr. PRJ—FS/350—12/2000—50,000.

24/1/05 25/1/05